

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REYES JAMES CARRILLO,

Petitioner,

v.

ROB ST. ANDRE,

Respondent.

No. 1:22-cv-01095-KES-CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING PETITION
FOR WRIT OF HABEAS CORPUS, AND
DECLINING TO ISSUE CERTIFICATE OF
APPEALABILITY

Docs. 1, 16, 20

Petitioner Reyes James Carrillo is a state prisoner proceeding pro se and in forma pauperis with a petitioner for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Docs. 1, 6. On October 28, 2022, Respondent Rob St. Andre, warden of High Desert State Prison, filed an answer, arguing that petitioner was not entitled to habeas relief. Doc. 16. Respondent lodged the state court record in support. Doc. 14. Petitioner did not file a traverse or otherwise respond.

On March 18, 2025, the assigned magistrate judge issued findings and recommendations recommending that the petition be denied. Doc. 20. The findings and recommendations were served on petitioner and noted that petitioner had 14 days to file objections. *Id.* at 8–9. After receiving an extension of time, Doc. 22, petitioner did not file objections and the deadline to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having carefully reviewed the file, the Court concludes that the findings and

1 recommendations are supported by the record and proper analysis.

2 Having found that petitioner is not entitled to habeas relief, the Court now turns to whether
3 a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus has no
4 absolute entitlement to appeal a district court's denial of his petition, and an appeal is allowed only
5 in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); 28 U.S.C. § 2253.
6 The Court should issue a certificate of appealability if "reasonable jurists could debate whether (or,
7 for that matter, agree that) the petition should have been resolved in a different manner or that the
8 issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*,
9 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)).

10 In the present case, the Court finds that reasonable jurists would not find the Court's
11 determination that the petition should be dismissed debatable or wrong, or that the issues present
12 deserve encouragement to proceed further. Therefore, the Court declines to issue a certificate of
13 appealability.

14 Accordingly, the Court ORDERS:

- 15 1. The findings and recommendations issued on March 18, 2025, Doc. 20, are ADOPTED
16 in full;
- 17 2. The petition for writ of habeas corpus, Doc. 1, is DENIED;
- 18 3. The action is DISMISSED with prejudice;
- 19 4. The Clerk of Court is directed to close the case; and
- 20 5. The Court declines to issue a certificate of appealability.

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23 IT IS SO ORDERED.

24 Dated: June 19, 2025



UNITED STATES DISTRICT JUDGE